

CHAMPLAIN REGIONAL COLLEGE
OF GENERAL AND VOCATIONAL EDUCATION



ADMINISTRATIVE FRAMEWORK
RESPECTING THE MANAGEMENT OF SUPPLY, SERVICE AND
CONSTRUCTION CONTRACTS

Please Note:

An Administrative Framework (AF) is an administrative document that provides general guidelines for: the implementation of College Bylaws and Policies; ongoing administrative activities; and specific administrative functions. An AF usually outlines the guiding principles, procedures, and responsibilities related to a specific administrative function. However, College management is always expected to exercise good judgment, therefore, specific situations and circumstance may require some adjustments in procedures.

This Administrative Framework was adopted for the first time by the Director General's Advisory Committee (DGAC) on February 13, 2018 and subsequently amended:

Director General's Advisory Committee (DGAC)

Date:

1. PURPOSE AND SCOPE:

- 1.1. The purpose of this document is to establish internal procedures and to respect the management of contracts entered into by Champlain Regional College (the “College”).
- 1.2. It applies to supply, service and construction contracts covered under paragraphs one (1) to three (3) of the first paragraph of section 3 of an *Act Respecting Contracting by Public Bodies* (chapter. C-65.1) (**LCOP**) and all other contracts, that the College may enter into with a person or partnership covered under section 1 of the same Act or contracts with a natural person who does not operate a sole proprietorship.

2. CONFIDENTIALITY OF DOCUMENTS:

- 2.1. To ensure that tender documents or any other related documents or information not yet rendered public remain confidential, the following measures apply:
 - Access to documents and the computer drives in which they are stored is limited to qualified persons under the control of the Director of Material Services.
 - Personnel with access to these documents will be informed that they are confidential and fall under the confidentiality agreement that all employees of the College sign upon being hired.
 - The confidentiality agreement will be reviewed on an annual basis.

3. CONFLICTS OF INTEREST:

- 3.1. To ensure that employees involved in managing public contracts are not in a conflict of interest, they are informed about statutes, regulations and other rules governing ethics and discipline through various means.
- 3.2. The College will conduct annual training sessions to employees involved in managing public contracts and provide up-to-date documentation via e-mail and/or the College intranet.
- 3.3. All employees involved in managing public contracts will be required to complete a *Conflict of Interest* form on an annual basis.
- 3.4. All employees involved in managing public contracts will be asked to step down from the process if they find themselves in a conflict of interest situation.

4. DELEGATION OF POWERS:

- 4.1. Certain powers are delegated Certain powers may be delegated by the Board of Governors in accordance with Article 4.6 of Bylaw Number 1 *Concerning the General Administration of the College* (“**Bylaw 1**”).

Delegated Power	Reference	Name	Title	Accountability Reports Treasury Board
All functions that require authorization from the Chief Executive Officer in regards to the Act Respecting Contracting by Public Bodies and the associated regulations and compliance rules.	All references	Dr. Odette Côté	Director General	Yes

5. CONTROL PROVISIONS RELATING TO THE CONTRACT AMOUNT AND AMENDMENTS:

5.1. The following control provisions apply to the contract amount:

- The Director General, upon recommendation of the selection committee secretary, may refuse to accept any of the tenders received, for reasons such as where it considers that the prices are too high or disproportionate or that they do not reflect a fair price.
- The College shall reserve the right to claim from any tenderer the difference between the lowest bid and the one subsequently accepted where the lowest bidder fails to respect its tender, in order to avoid collusion.
- When the lowest bid, upon recommendation of the selection committee secretary, is judged to be unusually low, the College shall comply with the provisions set forth in the *Regulation respecting construction contracts of public bodies*.

5.2. The control provisions set forth in Article 3 of *the Policy Respecting Procurement Contracts for Goods, Services and Construction* ensures that the College respects the Treasury Board requirements.

6. TENDERER OR CONTRACTOR ROTATION SYSTEM:

6.1. It is the responsibility of the Director of Material services to ensure that tenderers are rotated during an invitation to tender or by mutual agreement. The measures set forth in Article 4.09 of the *Policy Respecting Procurement Contracts for Goods, Services and Construction*, shall be complied with; the College thereby respecting the Treasury Board requirements.

7. SOLICITING CONTRACTS INVOLVING EXPENDITURES BELOW THE PUBLIC TENDER THRESHOLDS:

- A public call for tender shall be used in the cases set forth in the Policy Respecting Procurement of Goods, Services and Construction.
- An invitational tender call shall be used in the cases set forth in the Policy Respecting Procurement of Goods, Services and Construction.
- A contract by mutual agreement may be entered into in the cases set forth in *the Policy Respecting Procurement of Goods, Services and Construction*.

8. AUTHORIZATIONS AND ACCOUNTABILITY REPORTING TO THE BOARD OF GOVERNORS OF THE COLLEGE:

8.1. The terms applicable to authorizations and accountability reporting to the Board of Governors of the College and amendments to any contract for an amount, including any amendment, equal to or above the public tender thresholds, are set forth in *Article 4.6 of Bylaw Number 1 and in Appendix 2 of Bylaw Number 5*; the College thereby respecting the Treasury Board requirements.

9. *RESPONSABLE DE L'APPLICATION DES RÈGLES DES CONTRACTUELLES (RARC)*

9.1. *Responsable de l'application des règles contractuelles* - RARC has the following functions:

- Ensuring that the contract rules prescribed by the LCOP and the regulations, policies and directives under the LCOP and the *Act to facilitate oversight of public bodies' contracts* are complied with;
- advising and making recommendations to the College on compliance with contract rules;
- recommending that specific measures are put in place within the College to ensure the integrity of internal processes;
- exercising any other function that the Board of Governors may require to ensure that contract rules are complied with.

9.2. The following information shall be submitted to the contract rules compliance monitor (RARC) so that he/she may perform the required actions:

All information requiring authorization by the Board of Governors under this framework must be sent to the contract rules compliance monitor (RARC) via the internal requisition system so that he/she may fulfil his/her role as advisor.

10. OPENING UP COMPETITION TO SMALL AND MEDIUM ENTERPRISES

10.1. To ensure that competition is open to small and medium-sized businesses and that the requirements are realistically defined in relation to the College's needs, the following measures are put in place:

- Define realistic requirements related to its needs to ensure that the markets are open to a maximum of qualified bidders.
- Eligibility and compliance conditions, and the tender quality evaluation criteria, where appropriate, shall not be defined or drafted in a manner that excludes tenderers who could satisfy the needs of the College.
- Product specifications should not limit competition.
- Where feasible and appropriate, tenders may be subdivided into lots.
- Properly define the requirements, potentially have a firm understanding of the market corresponding to the need, and be able to determine in-house what should be included in the call for tenders. Markets may be monitored to remain abreast of developments, particularly in rapidly evolving sectors that change frequently such as information technology.
- May issue a notice for expression of interest to explore a new public market and obtain information from the sector in this regard. The notice for expression of interest signals a future call for tender to satisfy a need. The expression of interest should identify the requirements and expectations so that interested businesses may answer the College's questions and offer a potential solution. This also allows the College and potential suppliers to gain a better understanding of the market that exists to satisfy its need.

11. CONSULTANTS:

11.1. To ensure that all employees and management are aware that a consultant is present on the premises, the following measure may be put in place:

- Inform the affected employees by official means of communication.
- In some cases,
 - Ask the consultant to sign a visitor's log; and/or
 - Ask the consultant to wear a visitor's badge.

11.2. To restrict access to the premises and vital information in order to carry out consulting duties, the following measures are put in place:

Limit access to restricted documents (physical and electronic) solely to concerned employees in the performance of their duties:

- Specific areas off-limits to consultants may be identified.
- Controls on access to electronic files may be restricted.
- Controls on access to physically restricted documents are implemented.

Access rights granted to an external consultant as well as the validity period of their access to the premises:

- Inform concerned Directors about the importance of validating access rights granted to external consultants as well as the duration of any such access.
- Regularly verify that access rights granted to external consultants are necessary.
- Ensure that one or several measures are put in place to accompany an external consultant if specific access rights are granted, including when his/her presence is required outside regular business hours.

Remind employees about issues related to information security when external consultants are on the premises of the department.

Require contractors to adopt a code of conduct that will form part of the contract documents. This code could address the consultant's duty to never disclose or use for his/her benefit any information obtained during the performance of his/her mandate, to always identify himself/herself as an external consultant in a given situation, to refrain from trying to obtain or accept any benefit, reward or favour, or granting any benefit, reward or favour to an employee or director of the department.

12. TRANSITIONAL AND FINAL PROVISIONS:

12.1. This Administrative Framework complies with the following laws, regulations and by-laws of the College which are hereby incorporated by reference herein and form an integral part of this framework:

- The LCOP;
- Regulation Respecting Supply Contracts of Public Bodies;
- Regulation Respecting Construction Contracts of Public Bodies;
- Regulation Respecting Service Contracts of Public Bodies;
- Public Administration Act;
- Market liberalization agreements entered into by the Government of Québec;

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- Bylaw Number 1;
- Bylaw Number 5;
- Policy Respecting Procurement for Goods, Services and Construction;
- College Act.

12.2. This Administrative Framework enters into effect upon acceptance by the Director General's Advisory Committee on February 13, 2018.